

EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS				
5	DDI		X		
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC		X		
10	GC				
11	IG				
12	Compt				
13	D/EEO				
14	D/Pers				
15	D/OEA	X			
16	C/PAD/OEA				
17	SA/IA				
18	AO/DCI				
19	C/IPD/OIS				
20					
21					
22					
SUSPENSE		18 February			
		Date <i>[Signature]</i>			

Remarks: Please prepare reply for DCI's signature.

[Signature]

17 Feb 82

3637 (10-81)

Date

REC'D 11 FEB 82

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

Issued Pursuant to
82-2398

February 10, 1982

The Honorable William J. Casey
Director of Central Intelligence
Washington, D.C. 20505

Dear Bill:

On behalf of the Committee on Foreign Relations, I would like to request that you make available to the Committee the most recent National Intelligence Estimate on the Law of the Sea negotiations. We have received such studies in the past and have found them to be enormously helpful in our oversight and advice on these negotiations.

With best regards,

Sincerely,



Charles H. Percy
Chairman

CHP:ghc

FEB 16 5 12 PM '82

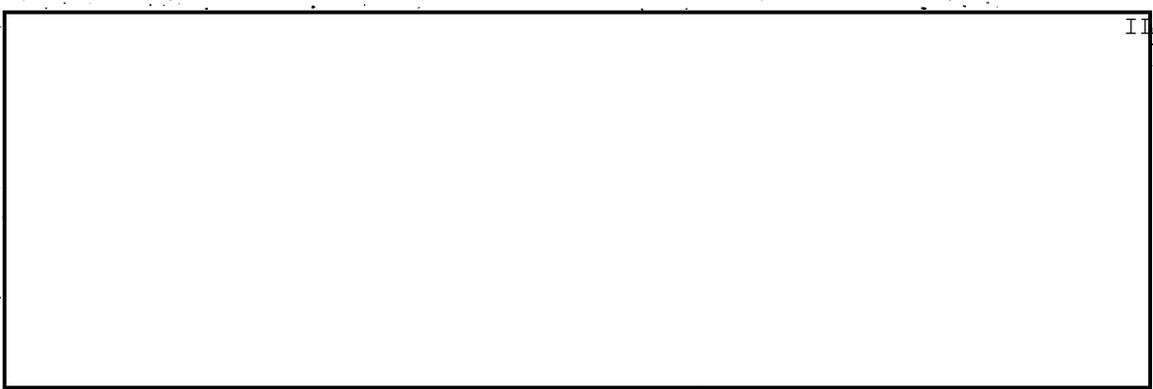
C 121

82-2398
10 Feb 82

FROM: Congress Charles Percy	TO: DCI C-121	ER NO. 82-2398 DATE 10 Feb 82 CLASS. None
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SUB: Letter - Requesting most recent National Intelligence Estimate on the Law of the Sea negotiations for the Committee on Foreign Relations.
 17 February 82 · Orig ES fm Mail.
 17 February 82 Orig D/OEA fm ES for action with SUSPENSE
 DATE of 18 Feb 82. Info cy to: DCI, DDCI, EXDIR.
 DDI. C/NIC. ER.

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SUSPENSE DATE : 18 Feb 82

ACTION OFFICE(S) : D/OEA

FIRST REMINDER SENT :

SUSPENSE DATE EXTENDED TO:

SECOND REMINDER SENT :

DATE OFFICE CALLED & CURRENT STATUS :

DATE COMPLETED :

C121

21 January 1982

DCI Talking Points for 21 January NSC Meeting on the Law of the Sea

82-4172/1

The Intelligence Community completed in December an intelligence estimate on the implications of a comprehensive Law of the Sea treaty and the possible consequence of its failure. It departs from an earlier estimate the Intelligence Community issued in 1977 in several respects. These departures result from changes in perceptions and changes in attitudes resulting largely from greater knowledge and experience gained in negotiating the treaty and from reflecting on its implications in a world in which market forces and the ability to deal with them are perceived to be more meaningful and effective. The major departures are these:

-- We see the navigation regime as more stable and predictable than it was perceived to be in 1977. We now place a lower value on avoiding the risk of losing important navigational and overflight freedoms because without the treaty the nation can still protect its navigational interests by relying on principles of customary international law supplemented when necessary by timely and purposeful exercise of its power (for example the recent US naval exercise in international waters claimed by Libya).

-- The disincentives to commercial seabed mining created by the proposed treaty are more clearly and seriously understood, as are objections made by both the private sector and governments of the industrial countries. It has also become clearer that arrangements to protect seabed investments could be worked out through means other than the treaty.

-- There is greater concern that acceptance of Third World ideological principles in a seabed mining treaty would establish a negative precedent for other future global negotiations on matters such as outer space, the radio spectrum and Antarctica.

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Significant conclusions in the current estimate are:

-- The requirement of mandatory transfer of technology to and sharing of revenues with an international seabed authority would deter investments by some U.S. seabed miners. There is also concern that access to seabed mine sites by private enterprise could be impeded by a seabed authority dominated by developing countries. There is further concern that advantages in mine sites, financial arrangements, and technology collected by the seabed authority could make it a powerful competitor for private seabed interests and even that future amendments of the treaty could freeze out private enterprise altogether.

-- The treaty would provide significant advantages in inhibiting the large-scale expansion of geographic claims by coastal states and preventing them from imposing restrictions on warship transit and other military activities.

-- In the absence of a treaty there would be doubt whether the United States could maintain certain navigational rights by relying on customary international law. Thus, a successful treaty process, therefore, is in the United States' interest whether or not it is a signatory.

--A U.S. walkout of the Law of the Sea conference would not be joined by other industrial countries but would enable Moscow and developing countries to complain and propagandize about the unresponsiveness of the U.S. to the Third World demands. This would not impair long-term relationships with allies, industrial partners or, after the rhetoric, impact on the important economic and political ties between the developing countries and the U.S.

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Continued US participation in the Conference would:

-- Enable the US to clearly state and negotiate for its bottom line goals on a deep seabed regime, in an environment which currently appears somewhat promising. Even if the United States fails to achieve enough of its seabed goals for the Draft Convention to obtain US signature and ratification, the document still might provide an improved legal regime for US miners that choose to operate under foreign flags.

-- Help to prevent unraveling of the navigation texts which are so essential for US military and commercial transportation interests in oceans space.

-- Preserve the reputation of the United States as a reliable participant in international negotiations.

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